

Notice of Allowability

Application No.

10/797,265

Examiner

Jared W. Newton

Applicant(s)

CALLEJA, MICHAEL J.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephonic Interview of September 18, 2006.
2. ☒ The allowed claim(s) is/are 1,3,5,7-9 and 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>September 18, 2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Charles Hill on September 18, 2006.

The application has been amended as follows:

- Claim 1, has been replaced with the following:
 1. A restraining cable and rack system, comprising:
 - a continuous rod forming a material-bay divider having an "M" shape, said divider in combination with a rack system for mounting to a backing brace or wall and providing for lateral containment of a vertical stand of materials in said rack system;
 - wherein said rack system comprises a plurality of horizontally disposed lateral beams extending between a plurality of vertical uprights, thereby defining a bay for storing a vertical stand of materials;
 - beam anchors in the form of brackets disposed at the ends of the "M" shaped divider, wherein said anchors are adapted to attach said divider to the lateral beams of the rack;
 - said divider further comprising at least two frontal lobes defining the forward most portion of the divider;

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a vertical bar attached to said frontal lobes of the material-bay divider;

a sequence of slots and holes defining a series of anchor points disposed along the vertical bar, wherein said anchor points provide for a variety of restraining cable height adjustments to control spillage of said vertical stand of materials; and

a restraining cable having an attachment means, said cable spanning a bay within said rack, wherein said cable is adapted to pass through said slots for attachment to the series of anchor points.

- Claim 2 has been canceled.
- Claim 3 has been changed to depend from claim 1.
- Claim 4 has been canceled.
- Claim 5 has been replaced with the following:

5. The system of Claim 1 wherein: the sequence of slots and holes in the series of anchor points allows for said attachment device and said restraining cable to be passed through intermediate bays in said rack.

- Claim 6 has been canceled.
- Claim 10 has been canceled.
- Claim 11 has been replaced with the following:

11. A restraining cable and rack system, comprising:

at least two material-bay dividers formed of a continuous rod having an "M" shape, said dividers in combination with a rack system for mounting to a backing brace

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or wall and providing for lateral containment of a vertical stand of materials in said rack system;

wherein said rack system comprises a plurality of horizontally disposed lateral beams extending between a plurality of vertical uprights, thereby defining a bay for storing a vertical stand of materials;

beam anchors in the form of brackets disposed at the ends of each "M" shaped divider, wherein said anchors are adapted to attach said dividers to the lateral beams of the rack;

said dividers further comprising at least two frontal lobes defining the forward most portions of the dividers;

a vertical bar attached to said frontal lobes of each respective ones of the material-bay dividers;

a sequence of slots and holes defining a series of anchor points disposed along each respective ones of the vertical bars, wherein said anchor points provide for lacing, attachment, and a variety of restraining cable height adjustments; and

a restraining cable spanning a bay within said rack, wherein said cable is adapted to pass through said slots for lacing and attachment to the series of anchor points of any two of the vertical bars of each respective ones of the material-bay dividers, wherein by spanning said bays, said cable provides for spillage control of said vertical stand of materials during use.

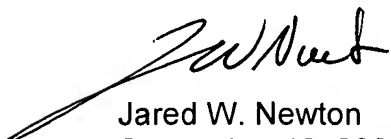
- Claim 12 has been canceled.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jared W. Newton
September 18, 2006
JWN



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SUPERVISORY PATENT EXAMINER